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ATTORNEY DOCKET NO: 71084

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

: ABELS et al.

Serial No

: 10/632,017

19149415855

Confirm. No

: 9343

Filed

: July 31, 2003

: BALL-AND-SOCKET JOINT

For Art Unit

: 3679

Examiner

: Ernesto Garcia

Dated

: April 23, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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### RESPONSE TO RESTRICTION REQUIREMENT

### **UNDER PCT RULE 13.1**

In response to the Restriction Requirement dated March 24, 2004, Applicant hereby elects species I with Figures 1, 3 and 10, without gap 7.

Claims 1, 5, 8, 9, 10, 12, 14, 15, 17, 20 and 23-27 are readable thereon. Claims 1, 5, 9, 10, 14 and 23-27 are considered generic in that their features either read on all of the species, or are combinable with all of the species. Furthermore, claim 12 is generic to species I, II and VI, claim 15 is generic to Figures 1-3 and 5-10, and claim 20 is generic to Figures 1-4 and 8-10.

The Restriction Requirement states that the species are deemed to lack unity of invention and the species are defined by different Figures. Applicant has reviewed MPEP 19149415855

1893.03(d) and finds that when making a lack of unity invention requirement, the different groups of claims must be listed and there must be an explanation why each group lacks of unity with each other group. Therefore it appears that the defining of the species by figure numbers is improper under PCT Rule 13.1.

Applicant has also reviewed the definition of unity of invention, and it Applicant's understanding that if there is a generic claim, there must be unity of invention. A generic claim appears to indicate that the claims are linked as to form a single generally inventive concept.

Applicant respectfully requests reconsideration of PCT Rule 13.1. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

Favorable action is respectfully requested.

Respectfully submitted for Applicant,

Theobald Dengler

Registration No. 34,575

McGLEW AND TUTTLE, P.C.

TD:jms 71084.5

DATED:

April 23, 2004

SCARBOROUGH STATION

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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.